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EXAMINER	
ZHU, RICHARD Z	
ART UNIT	**PAPER NUMBER**
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/750,791	FIROOZ ET AL.	
	Examiner	Art Unit	
	Richard Z. Zhu	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/2/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections - 37 CFR 1.75

1. The following is a quotation of 37 CFR 1.75(a):

The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

2. The following is a quotation of 37 CFR 1.75(d)(1):

The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

Claim 8 is objected to under 37 CFR 1.75(d)(1), as failing to conform to the invention as set forth in the remainder of the specification.

Regarding Claim 8, the disclosure teaches in [0015] that "alternatively, monitor 109 may continue to monitor for a fax tone". It is unclear to the examiner whether this is an implicit antecedent support for Claim 8, monitoring for a facsimile tone for the entire duration of the call, or is Claim 8 claiming a subject matter that is not in the disclosure? Please clarify on this matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3, and 4 are rejected under 35 USC 102(b) as being anticipated by the teachings of ***Krexner et al. (US 6005924 A)***.

Regarding Claim 1, whereas the multifunction printer device (herein refer to as MPD) detects an incoming phone call as well as monitoring the incoming transmission for facsimile tone, ***Krexner et al. (US 6005924 A)*** teaches a telephone exchange 7 [Column 5, Row 40] that can receive both fax and telephone signal, an activation detector [Column 5, Row 52] that detect the receiving mode as well as the activation of the MPD, and a fax signal detection mean [Column 3, Rows 38 through 42]. This combination forms the means for detecting and monitoring an incoming voice or facsimile transmission [Column 5, Rows 40 through 63]. Furthermore, in [Column 7, Row 19 through 30], it is explained how facsimile signal is detected. Regarding continuing to monitor after the incoming call is answered, it is taught in [Column 13, Rows 20 through 25] that after three acoustic ring tone had been generated, the fax signal detection mean checks if there is a facsimile tone between the time period of T1 through T3. Therefore, ***Krexner***'s Apparatus continues to monitor for the duration of T3-T1 after the transmission had been received. Regarding allowing the call to proceed if it is a voice call and initializing in

preparation for receiving a facsimile transmission, it is taught in [Column 7, Rows 40 through 45] that there is a switching mean that can switch between facsimile and voice mode. Combine this switching mean with the detection means, the MPD would allow voice call to proceed when it is determine the incoming signal is a voice call, otherwise it would initialize facsimile operation by applying the received signal to fax signal detection means [Column 7, Row 40 through 45] via first switching means where control signal is supply [Column 8, Rows 10 through 15] to fax means 2 for receiving and printing a facsimile signal [Column 8, Rows 22 through 25].

Regarding Claim 2, referring to Figure 1 and [Column 8, Rows 1 through 20] where the internal control and switch decoupling process is explained. Accordingly, if facsimile tone is detected within the incoming transmission, control stage 47 supply control signal to decoupling stage 56 to switch to fax means from telephone answering means. Therefore, fax means takes over to process the incoming signal.

Regarding Claim 3, it is taught in [Column 13, Rows 20 through 25] and referring to Figure 2, that after three acoustic rings were generated to warn the user of an incoming transmission, the fax detection means continues to monitor for an facsimile tone for the duration of from T1 through T2.

Regarding Claim 4, it is taught in [Column 7, Rows 18 through 23] where the fax tone, or sound, is defined as having pulse duration of half a second and a clock frequency of 1 kHz. Tones other than a facsimile tone are identified as voice call tone. Therefore, if a facsimile tone is present then the voice call tone is absent, and fax means 2 is activated to starting processing incoming facsimile signal.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5, 6, 7, 9, 10, 11, 13, 17, 18, 19, 20, and 21 are rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of ***Krexner et al. (US 6005924 A)*** and ***Takano et al. (JP 11-275301 and JP 11-275302)***.

Referring to ***Takano et al. (JP 11-275301 and JP 11-275302),*** there exists a United States Patent ***Takano et al. (US 6833926 B1)*** which is the English Version and combination of these two Japanese Patents. Therefore, ***Takano et al. (US 6833926 B1)*** is relied upon as the source of proper English translation in this office action.

Regarding Claim 5, ***Krexner et al. (US 6005924 A)*** teaches the elements of Claim 1, however it do not explicitly teach a separate memory for a general-purpose processor.

Takano et al. (JP 11-275301 and JP 11-275302) teaches a separate memory for a general-purpose processor. Referring to ***Figure 2*** of ***Takano et al. (US 6833926 B1)***, it explicitly taught a ROM 92 attached to the main CPU of Main Control Section, which is connected to the printer section with its own ROM 111.

Therefore, it would've been obvious to one ordinarily skilled in the art to combine a general-purpose processor with a memory with the apparatus of ***Krexner*** in order to provide means to store facsimile data when it is first received.

Regarding Claim 6, ***Krexner et al. (US 6005924 A)*** teach means for printing media [Column 8, Rows 22 through 25], means for sending and receiving facsimile [Column 5, Rows 30 through 35], means for monitoring for a fax signal [Column 11, Rows 50 through 55], and means for initializing facsimile to receive incoming signal [Columns 7 through 8, specifically Column 7 Rows 15 through 20 and Column 8 Rows 22 through 25].

Krexner et al. (US 6005924 A) does not teach a mean for optically scanning media.

Takano et al. (JP 11-275301 and JP 11-275302) teaches a scanner. Referring to ***Takano et al. (US 6833926 B1)*** as reference, it teaches a composite type-copying machine having three functions of a copying machine, a facsimile, and a printer [Column 6, Row 33 through 38]. As such, it incorporated a scanner in order to input images [Column 6, Rows 39 through 42].

Therefore, it would've been obvious to one ordinarily skilled in the art to combine the apparatus of ***Krexner et al. (US 6005924 A)*** and the scanner ***Takano et al. (US 6833926 B1)*** in order to provide a mean for inputting image into the apparatus and perform facsimile transmission of the image data whereas the motivation for combination is quoted in ***Takano et al. (US 6833926 B1)*** as "functioning as an image input means" [Column 6, Row 41].

Regarding Claim 7, ***Krexner et al. (US 6005924 A)*** teaches the subject matters of Claim 6 and Claim 7 except for means for optically scanning media whereas ***Takano et al. (JP 11-275301 and JP 11-275302)*** teaches such scanning mean. Regarding Claim 7 whereas monitoring goes on for an initial period of time, ***Krexner et al. (US 6005924 A)*** teaches that monitoring last from the start of detection of transmission through T2 [Column 13, Rows 20 through 25, as well as Figure 2 where a fax signal was confirmed during the period T1 through T2]. The reason for combine teaching and motivation is the same as in Claim 6.

Regarding Claim 9, it is further taught in ***Krexner et al. (US 6005924 A)*** [Column 7, Rows 18 through 23] where the fax tone, or sound, is defined as having pulse duration of half a second and a clock frequency of 1 kHz. Tones other than a facsimile tone are identified as voice call tone. Therefore, if a facsimile tone is present then the *voice call tone is absent*, and fax means 2 is activated to starting processing incoming facsimile signal when there voice-call tone is absent. The reason for combine teaching and motivation is the same as in Claim 6.

Regarding Claim 17, provided with a printer of ***Krexner*** and the scanner of ***Takano***, it is inherent that the apparatus of ***Krexner*** and ***Takano*** has the mean to copy media. The reason for combine teaching and motivation is the same as in Claim 6.

Regarding Claim 18, ***Krexner et al. (US 6005924 A)*** teaches every elements of the claim except for the optical scanner. Refer to Claim 6 Rejection for the prior art teachings. Furthermore, regarding the general-purpose processor based device

selectively interfaced with designated parts, ***Krexner et al. (US 6005924 A)*** describes the operations of first switching stage and a second switching stage in [Column 7 Row 40 through Column 8 Row 20] as well as in Figure 1. The switching stages take control signals from the control stage (general-purpose processor) in selectively switching from internal telephone mean to facsimile mean or vice versa.

Krexner does not teach the optical scanner.

Takano et al. (US 6833926 B1) teaches the scanner means as in the rejections mentioned above.

Therefore, it would've been obvious to one ordinarily skilled in the art to combine the apparatus of ***Krexner et al. (US 6005924 A)*** and the scanner ***Takano et al. (US 6833926 B1)*** in order to provide a mean for inputting image into the apparatus and perform facsimile transmission of the image data whereas the motivation for combination is quoted in ***Takano et al. (US 6833926 B1)*** as "functioning as an image input means" [Column 6, Row 41].

Regarding Claim 19, ***Takano et al. (US 6833926 B1)*** further teaches in Figure 2 that there is a ROM 92 attached to the Main Control Section where the general-purpose processor is based. The reason and motivation to combine is the same as that of Claim 18 rejection.

Regarding Claims 10, 11, and 13, ***Krexner*** teaches the subject matter of Claim 6. But ***Krexner*** does not teach the scanning means. ***Takano*** teaches the scanning means, and furthermore it teaches the elements of Claim 10, 11, and 13.

Regarding Claim 10, the combined teachings of ***Krexner*** and ***Takano*** teaches the subject matter of Claim 6 from which Claim 10 is dependent upon. Furthermore, ***Takano et al. (JP 11-275301 and JP 11-275302)*** teach means for interfacing an image processing apparatus with system control section via a general bus 120, refer to Figure 3 and [Column 11, Rows 24 through 34] of ***Takano et al. (US 6833926 B1)***. Whereby the apparatus of ***Takano*** is in itself a standalone device capable of printing, copying, and facsimile operation.

Therefore, it would've been obvious to one ordinarily skilled in the art to combine the apparatus of ***Krexner et al. (US 6005924 A),*** the scanner of ***Takano et al. (JP 11-275301 and JP 11-275302),*** and the general purpose interface (wired, wireless, or compact flash memory) of ***Takano*** in order to provide a mean for communication between the apparatus and other apparatus within the network as well as transferring data between the apparatuses mentioned whereas the motivation for combination is quoted in ***Takano et al. (US 6833926 B1)*** as "to provide an image processing apparatus wherein an external interface is provided....." [Column 1, Row 66 through Column 2, Row 5].

Regarding Claim 11, ***Takano et al. (JP 11-275301 and JP 11-275302)*** further teaches an external interface that is capable of interfacing with network via public line, wired LAN, wireless LAN and etc. refer to Figure 3 and [Column 11, Rows 24 through 34] of ***Takano et al. (US 6833926 B1)***. The reason and motivation for combine teaching is the same as in Claim 10 rejection.

Regarding Claim 13, it clearly shows in Figure 3 of ***Takano*** that the interface is configured to accommodate a flash memory drive, or a memory device. In addition, it is inherent that all apparatus that could accommodate such a drive has the ability to download drive's content into its own memory. The reason and motivation for combine teaching is the same as in Claim 10 rejection.

Regarding Claim 20, ***Krexner et al. (US 6005924 A)*** explicitly teach a user interface where user may manually enter the desired setting [Column 4, Rows 34 through 56]. ***Takano et al. (US 6833926 B1)*** also teaches in Figure 2 an operational panel consist of a display LCD and operation keys connected to a panel CPU that is connected to the rest of the apparatus.

Therefore, it would have been obvious to one ordinarily skilled in the art to have an interface in the system of ***Krexner et al. (US 6005924 A)*** in order to receive user inputs to determine the setting of the system.

Regarding Claim 21, in view of ***Krexner et al. (US 6005924 A)*** teaching in rejection of claims 18 and 20 above, ***Krexner*** further teaches in [Column 4, Rows 4 through 13] that the user can define the number of rings. The reason and motivation for combine teaching is the same as in Claim 10 rejection.

7. Claim 8 is rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of ***Krexner et al. (US 6005924 A), Takano et al. (JP 11-275301 and JP 11-275302)*** and ***Kobayashi et al. (US 5835240 A).***

Krexner et al. (US 6005924 A) teaches everything in Claim 6 except for means for optically scanning media.

Takano et al. (JP 11-275301 and JP 11-275302) teaches a mean for scanning image for input. Please refer to Claim 6 rejection for details.

The combined teaching of ***Krexner*** and ***Takano*** does not teach monitoring for facsimile signal throughout the duration of a call. ***Kobayashi et al. (US 5835240 A)*** teaches monitoring for facsimile tone throughout the duration of the call [Column 3, Rows 2 through 13].

Therefore, it would have been obvious to one ordinarily skilled in the art to combine the continuous monitoring mean of ***Kobayashi*** with that of the combined teaching of ***Krexner*** and ***Takano*** in order to correctly determine if the incoming signal is a facsimile signal or a voice signal whereas the motivation to combine is quoted in ***Kobayashi et al. (US 5835240 A)*** [Column 1, Row 63 through Column 2, Row 5] "provide a facsimile communication supplementary service that allows the switching facility to automatically determine whether the originating terminal is a telephone or a facsimile....".

8. Claims 12, 22, 23, and 24 are rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of ***Krexner et al. (US 6005924 A), Takano et al. (JP 11-275301 and JP 11-275302)*** and ***Motoyama (US 5818603 A).***

The combined teaching of ***Krexner*** and ***Takano*** teaches the subject matters of Claim 6 as well as wireless interface between the apparatus and outside network. However, the combined teaching does not teach wirelessly interfacing between a general-purpose processor based device and the MPD.

Motoyama (US 5818603 A) teaches a remote monitoring system using a computer (processor based device that issue commands to stand alone facsimile or copier) to perform various tests on copier, facsimile and the like. Referring to [Column 4, Rows 1 through 7] of ***Motoyama (US 5818603 A),*** the reference clearly teaches that the interface between the diagnostic medium and the apparatus the diagnostic to be perform on can have wireless connection including radio wave (RF interface such as Bluetooth) or infrared wave (such as IrDA).

Therefore, it would have been obvious to one of ordinarily skilled in the art to combine the teachings of ***Krexner*** and ***Takano*** with ***Motoyama (US 5818603 A)*** in order to provide a wireless medium for communication between a processor based unit and a facsimile unit whereas the motivation for combination is quoted in ***Motoyama (US 5818603 A)*** "to provide a method and system for communicating with machines which has the capability to use varying communication protocols" [Column 1, Rows 40 through 43].

Regarding Claims 22, 23, and 24, the combine teaching of ***Krexner*** and ***Takano*** teaches the elements of Claim 18, from which the Claims 22, 23, and 24 are dependent upon. However, the combine teaching only discloses a system where the facsimile, copier, and scanner are combined in one device instead of being stand-alone devices. ***Motoyama (US 5818603 A)*** teaches a diagnostic system consisting of a computer with a processor, that monitors, diagnosis, and controls a variety of stand-alone apparatuses such as copiers, printers, facsimile machines, and digital cameras [Column 1, Rows 8 through 17] via a variety of communication standards [Column 4, Rows 1 through 7] that includes wireless standards. In addition, since the apparatuses are all stand alone devices independent of the diagnostic/control computer, it is inherent that they all have independent sources of power. The reason and motivation to combine the two teachings are the same as in the rejections of Claim 12.

9. Claims 14, 15, 16 is rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of ***Krexner et al. (US 6005924 A), Takano et al. (JP 11-275301 and JP 11-275302)*** and ***Gray et al. (US 3694574 A).***

The combine teaching of Krexner and Takano teaches the elements of Claim 6. However, the teaching did not limit the scope of scanning means to flatbed, sheet-feed, nor picture frame.

Gray et al. (US 3694574 A) teaches scanner of these types.

Regarding 14 and 15, ***Gray et al. (US 3694574 A)*** teaches in [Column 1, Rows 30 through 43] that it is advantageous to use scanners of flatbed type and the scanner of the invention is sheet feed type as well. Regarding Claim 16, it is inherent that the picture frame scanner, especially in view of a brief introduction by ***Kinjo (US 6519046 B1)***, is an integrated feature of all scanners.

Therefore, it would have been obvious to one ordinarily skilled in the art to modify the system of ***Krexner*** and ***Takano*** with ***Gray et al. (US 3694574 A)*** in order to provide a high degree of quality for inputting image whereas the motivation to combined the reference with ***Krexner*** and ***Takano*** is quoted in ***Gray et al. (US 3694574 A)*** [Column 1, Rows 43 through 58] "to produce a precise charge image replica of the original document scanned at the facsimile transmitter."

Nonstatutory Provisional Double Patent Rejections

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1 through 5, 7, 9, 10, 12, 13, 14, 16, and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending ***Application No. 10/750804*** in view of ***Krexner et al. (US 6005924 A)***.

Regarding Claim 1, Claim 1 of Copending Application No. 10/750804 discloses monitoring incoming phone call to detect a facsimile tone and initializing apparatus to receive transmission when that tone is detected. It is further disclosed in Claims 2, 3, and 7 that monitoring continues after the call is answered. However, 10/750804 does not disclose detecting an incoming phone call and allowing voice call to proceed when no facsimile tone is detected.

Krexner et al. (US 6005924 A) teaches a telephone exchange 7 [Column 5, Row 40] that can receive both fax and telephone signal, an activation detector

[Column 5, Row 52] that detect the receiving mode as well as the activation of the MPD, and a fax signal detection mean [Column 3, Rows 38 through 42]. This combination forms the means for detecting and monitoring an incoming voice or facsimile transmission [Column 5, Rows 40 through 63]. Regarding allowing the call to proceed if it is a voice call and initializing in preparation for receiving a facsimile transmission, it is taught in [Column 7, Rows 40 through 45] that there is a switching mean that can switch between facsimile and voice mode. Combine this switching mean with the detection means, the MPD would allow voice call to proceed when it is determine the incoming signal is a voice call.

Therefore, it would've been obvious for one ordinarily skilled in the art to combine the disclosure of ***Application No. 10/750804*** with the teachings of ***Krexner et al. (US 6005924 A)*** in order to have a combination device that is capable of receiving facsimile and voice signal whereas the motivation to combine is quoted in Krexner et al. (US 6005924 A) [Column 2, Rows 55 through 60]: to supply further call signal to output in the absence of fax signal detection information.

Regarding Claim 2, referring to Figure 1 and [Column 8, Rows 1 through 20] of ***Krexner et al. (US 6005924 A)*** where the internal control and switch decoupling process is explained. Accordingly, if facsimile tone is detected within the incoming transmission, control stage 47 supply control signal to decoupling stage 56 to switch to fax means from telephone answering means. Therefore, fax means takes over to process the incoming signal. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 3, it is taught in [Column 13, Rows 20 through 25] and referring to Figure 2, that after three acoustic rings were generated to warn the user of an incoming transmission, the fax detection means continues to monitor for an facsimile tone for the duration of from T1 through T2. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 4, Claim 7 of ***Application No. 10/750804*** discloses monitoring for sound and initializing the MPD to receive facsimile when no sound is detected. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 5, Claim 10 of ***Application No. 10/750804*** discloses storing facsimile in memory of a general-purpose processor based device connected to said multi-function printer device. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 7, ***Application No. 10/750804*** discloses the same invention as in Claim 6 from which this claim is dependent upon. However, it does not disclose monitoring for an initial period after incoming call is answered. ***Krexner*** teaches in [Column 13, Rows 20 through 25] and referring to Figure 2, that after three acoustic rings were generated to warn the user of an incoming transmission, the fax detection means continues to monitor for a facsimile tone for the duration of from T1 through T2. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 9, ***Application No 10/750804*** discloses initializing the facsimile means to receive an incoming facsimile transmission in response to no sound being detected during the answered call whereas it is inherent that all recording of an incoming message occurs during the voice mail system answers incoming call. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 10, ***Application No. 10/750804*** discloses in Claim 22 that the MPD is a stand-alone device and in Claim 23 that the system comprises a wireless interface whereas all wireless interface are interface. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 12, Claim 23 of ***Application No. 10/750804*** discloses a wireless interface that can interface with a general-purpose based device. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 13, Claim 15 of ***Application No. 10/750804*** discloses means for receiving at least one memory device and means for downloading received faxes to said memory device. The reason and motivation to combine ***10/750804*** and ***Krexner*** is the same with that of Claim 1 cited above.

Regarding Claim 14, Claim 16 of ***Application No. 10/750804*** discloses scanning means comprises a flatbed optical scanner.

Regarding Claim 16, Claim 17 of ***Application No. 10/750804*** discloses a picture frame scanner.

Regarding Claim 21, ***Krexner et al. (US 6005924 A)*** further teaches in [Column 4, Rows 4 through 13] that the user can define the number of rings. The reason and motivation for combine teaching is the same as in Claim 1 rejection.

These are provisional double patenting rejections since the conflicting claims have not in fact been patented.

12. Claim 8 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending ***Application No. 10/750804*** in view of ***Kobayashi et al. (US 5835240 A)***.

Claims 11 and 13 of ***Application No. 10/750804*** disclose the subject matters of Claim 6 from which this claim is dependent upon. However, it does not explicitly disclose that monitoring continue through out the duration of the call. ***Kobayashi*** teaches this.

Kobayashi et al. (US 5835240 A) teaches monitoring for facsimile tone throughout the duration of the call [Column 3, Rows 2 through 13].

Therefore, it would have been obvious to one ordinarily skilled in the art to combine the continuous monitoring mean of ***Kobayashi*** with that of the combined teaching of ***Krexner*** and ***Takano*** in order to correctly determine if the incoming signal is a facsimile signal or a voice signal whereas the motivation to combine is quoted in ***Kobayashi et al. (US 5835240 A)*** [Column 1, Row 63 through Column 2, Row 5] "provide a facsimile communication supplementary service that allows the switching facility to automatically determine whether the originating terminal is a telephone or a facsimile....".

This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

13. Claim 11 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending ***Application No. 10/750804*** in view of ***Takano et al. (JP 11-275301 and JP 11-275302)***.

Claims 11 and 13 of ***Application No. 10/750804*** disclose the subject matters of Claim 6 from which this claim is dependent upon. Further more, Claim 14 of ***10/750804*** discloses interfacing with a network. However, since not every network interface is a wireless interface, ***10/750804*** does not explicitly teach a wireless interface.

Takano teaches this wireless interface. ***Takano et al. (JP 11-275301 and JP 11-275302)*** teaches an external interface that is capable of interfacing with network via public line, wired LAN, wireless LAN and etc. refer to Figure 3 and [Column 11, Rows 24 through 34] of ***Takano et al. (US 6833926 B1)***.

Therefore, it would've been obvious to one ordinarily skilled in the art to combine the apparatus of ***Application No. 10/750804*** and the general purpose interface (wired, wireless, or compact flash memory) of ***Takano*** in order to provide a mean for communication between the apparatus and other apparatus within the network as well as transferring data between the apparatuses mentioned whereas the motivation for combination is quoted in ***Takano et al. (US 6833926 B1)*** as "to provide an interface....." [Column 1, Row 66 through Column 2, Row 5]. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

14. The following is a quotation of 35 U.S.C. 101 which forms the basis for provisional double patenting rejections set forth in this Office action:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 6, 18 through 20, and 22 through 24 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of the copending ***Application No. 10/750804***.

Regarding Claim 6, Claim 11 of ***Application No. 10/750804*** discloses means for printing media, means for optically scanning media, means for sending and receiving facsimiles, means for monitoring calls for fax signal, and means for initializing fax means to receive facsimile transmission when fax tone is detected. Furthermore, it is disclosed in Claim 13 of the copending application means for monitoring incoming call for sound after said incoming call is answered.

Regarding Claim 18, Claim 18 of ***Application No. 10/750804*** discloses a printer, an optical scanner, a facsimile functionality, and that the device monitor incoming calls for facsimile signal and initialize facsimile functionality to receive incoming facsimile, and a general-purpose processor based device. Regarding the call monitor, it is inherent 10/750804 discloses a call monitor in Claim 18 in order for it to claim that it can monitor incoming phone call.

Regarding Claim 19, Claim 19 of ***Application No. 10/750804*** discloses a facsimile functionality stores incoming facsimile to memory of general-purpose processor based device.

Regarding Claim 20, Claim 20 of ***Application No. 10/750804*** discloses general-purpose based device hosts a user interface adapted to receive user settings for said MPD.

Regarding Claims 22 and 23, Claim 21 of ***Application No. 10/750804*** discloses that the MPD is a stand-alone device adapted to employ facsimile independent of interface with a general-purpose processor based device.

Regarding Claim 24, Claim 23 of ***Application No. 10/750804*** discloses a wireless interface, interfacing said general-purpose processor based device with MPD.

These are provisional double patenting rejections since the conflicting claims have not in fact been patented.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 6278775 B1, US 6144464 A, US 5864763 A, US 6040922 A, US 5877872 A, US 5917896 A, and US 50149296 A are each pertinent as teaching apparatus capable of recognizing incoming facsimile tone from voice tone and some taught wired and wireless interface with other networks and processors.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Werner whose telephone number is 571-272-7401 and Richard Z. Zhu whose telephone number is 571-270-1587. The examiners can normally be reached on M-F, 8:00 - 4:30.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZZ
2/07/2007

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